

DISTRICTS - ALL

**VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION**  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_  
Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

\_\_\_\_\_  
\_\_\_\_\_  
X

**TO:** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** David A. Hulseberg, AICP, Village Manager

**DATE:** May 28, 2008 (COW) (B of T) **Date:** June 5, 2008

**TITLE:** Proposed Amendments To Section 97.055 And Proposed Section 97.056 to the Village Code: Street Openings, Excavations, And Construction Activities In the Right-Of-Way

**SUBMITTED BY:** David A. Dramol, P.E. Village Engineer *DAE*

BACKGROUND/POLICY IMPLICATIONS:

See Attached Memo

FISCAL IMPACT/FUNDING SOURCE:

See Attached Memo

Review (as necessary):

Village Attorney X \_\_\_\_\_  
Finance Director X \_\_\_\_\_  
Village Manager X *David A. Hulseberg* \_\_\_\_\_  
Date \_\_\_\_\_  
Date \_\_\_\_\_  
Date *5/29/08* \_\_\_\_\_

NOTE:

All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



**MEMORANDUM**

**TO:** David A. Hulseberg, AICP, Village Manager

**THROUGH:** David P. Gorman, P.E., Acting Director of Public Works *DPA*

**FROM:** David A. Dratmol, P.E., Village Engineer *DA*

**SUBJECT:** Proposed Amendments to Section 97.055 and Proposed Section 97.056 to the Village Code: Street Openings, Excavations and Construction Activities in the Right-of-Way

**DATE:** May 28, 2008

Please present the attached proposed ordinance amendment to Section 97.055 and proposed section 97.056 to the Board of Trustees at their June 5, 2008 meeting. The amendment and proposed section would expand the Village's ability to charge fees to appropriate entities reflective of current costs, as explained below.

**PERCEIVED PROBLEMS AND PROPOSED CODE AMENDMENT:**

The purpose of the proposed amendment and new section is to establish a fee schedule for administrative fees and charges for inspections and costs incurred by the Village related to work in the right-of-way. Prior to this, the only charge to utility companies or others working in the right-of-way was a \$15 permit fee. The proposed amendment and new section increase the permit fee and allow the Village to charge the utility companies and other entities working in the right-of-way for inspections and other costs incurred. The other costs include instances where the utility company or contractor fails to respond in a timely manner to rectify hazardous conditions identified by the Village, and the Village has to take corrective measures such as filling settled trenches in roadways.

This item was discussed by the Public Works Committee on May 13, 2008, and a recommendation was made to approve the amendment and new section.

**RECOMMENDATION:**

The Village Attorney has assisted staff with the preparation of the amendment and new section. Staff and the Public Works Committee recommend that the Board of Trustees approve the amendment to Section 97.055 and the proposed new Section 97.056.



(11) If the amount of the Security Fund is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Village the amount equal to the deficiency. If the permittee fails or refuses

(10) The Director of Public Works shall determine the administrative fees and charges for any work done or repairs made by him or under his direction pursuant to the provisions of this Section 97.055. In developing this schedule, the Director of Public Works shall be guided by prevailing costs in the area of labor, materials, and equipment. The Director of Public Works shall revise the schedule of administrative fees and charges periodically to reflect any increases or decreases in the administrative fees or charges used to establish said schedule. The schedule of administrative fees and charges shall be open to public inspection in the office of the Director of Public Works, upon demand.

(9) The Director of Public Works shall establish and maintain a schedule of administrative fees and charges for inspections, labor, material, and such other expenses as may be incurred by the Village in meeting the requirements of this Section 97.055. In developing this schedule, the Director of Public Works shall be guided by prevailing costs in the area of labor, materials, and equipment. The Director of Public Works shall revise the schedule of administrative fees and charges periodically to reflect any increases or decreases in the administrative fees or charges used to establish said schedule. The schedule of administrative fees and charges shall be open to public inspection in the office of the Director of Public Works, upon demand.

which shall read in their entirety as follows:

Village Code is amended by adding new subsections (9), (10) and (11) thereto,

**SECTION 1:** That Title 9, Chapter 97, Section 97.055(j) of the Lombard

of Lombard, DuPage County, Illinois, as follows:

**BE IT ORDAINED** by the President and Board of Trustees of the Village

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 97  
OF THE LOMBARD VILLAGE CODE IN REGARD  
TO STREET OPENINGS, EXCAVATIONS AND  
CONSTRUCTION ACTIVITIES IN THE RIGHT-OF-WAY**

ORDINANCE NO. \_\_\_\_\_

"(d) Access to private driveways shall be provided except during working hours when construction operation prohibits provision of such access. When access to a private driveway will be obstructed, the permittee shall notify the affected property owner/building occupant a minimum of twenty-four (24) hours prior to any such obstruction occurring. Free access must be provided at all times to fire hydrants. Where multiple driveways exist, such

shall read in its entirety as follows:

Lombard Village Code is amended by adding a new subsection (d) thereto, which

**SECTION 4:** That Title 9, Chapter 97, Section 97.055(P)(4) of the

authorized hours." (c) Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and between the hours of 7:00 a.m. and 4:30 p.m. on Saturday, with no work on Sunday, unless the permittee obtains written consent from the Director of Public Works to do the work during alternate hours; upon a showing of why it is not possible to do the work during the authorized hours."

Lombard Village Code is amended to read in its entirety as follows:

**SECTION 3:** That Title 9, Chapter 97, Section 97.055(P)(4)(c) of the

"(6) When any permit has been revoked and the work authorized by the permit has not been completed, the Director of Public Works shall do such work as may be necessary to restore the public right-of-way or part thereof to as good a condition as before the opening was made. All administrative fees and expenses thereby incurred by the Village shall be recovered from the Security Fund of the permittee as made or filed with the Village."

read in its entirety as follows:

Village Code is amended by adding a new subsection (6) thereto, which shall

**SECTION 2:** That Title 9, Chapter 97, Section 97.055(K) of the Lombard

the Village." occupancy shall be issued to such permittee for any projects within to pay such deficiency, the Village may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits or certificates of

"(2) The work of final restoration including both paving surface and paving base shall be performed directly by the permittee in accordance with the requirements of the Village's Public Works Department within two (2) weeks of the completion of work in the

entirely as follows:

subsection (1), and adding a new subsection (2) thereto, which will read in its

Village Code is amended by labeling the current language of this subsection as

**SECTION 6:** That Title 9, Chapter 97, Section 97.055(S) of the Lombard

charges now on file at the Village's Public Works Department." (8) All inspection costs shall be borne by the permittee. Such costs shall be based on a schedule of administrative fees and

inspections as deemed necessary of all work authorized by a permit. The Village's Public Works Department is empowered to provide a full-time inspector, if necessary, to ensure compliance with the provisions of this Section 97.055. (7) The Village's Public Works Department shall make such

against the Security Fund of the permittee. Sections 97.055(J)(9) and (10) of this Code, shall be charged associated therewith, as provided for in the schedules referenced in Village is required to perform said maintenance, the costs subsection. In the event that the permittee fails to do so, and the condition. It shall be the obligation of the permittee to properly maintain any temporary restoration as provided for by this permittee until final restoration, to warn motorists of the roadway for three (3) days or more. Proper signage shall be provided by the asphalt surface shall be provided by the permittee if work ceases on both sides with asphalt in the direction of traffic. A temporary backfill the opening or cover the opening with a steel plate ramped including but not limited to overnight, the permittee must either "(6) Whenever work is not actively being performed in the opening,

which shall read in their entirety as follows:

Village Code is amended by adding new subsections (6), (7) and (8) thereto,

**SECTION 5:** That Title 9, Chapter 97, Section 97.055(P) of the Lombard

as service stations, not more than one (1) driveway shall be closed at any one time."

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008, after its adoption, approval and publication in pamphlet form as provided by law.

**SECTION 9:** That this Ordinance shall be in full force and effect from and

97.055(J)(10) and 97.055(P)(8) of the Lombard Village Code. administrative fees and charges as referenced in Sections 97.055(J)(9), of Public Works, is hereby established and approved as the schedule of attached hereto as EXHIBIT A and made part hereof, as prepared by the Director

**SECTION 8:** That the schedule of administrative fees and charges,

this Code, as amended." the right-of-way shall comply with the aforementioned provisions of any such construction work, street openings and/or excavation in and no/100 dollars (\$50.00). Any person desiring to proceed with to the permit fee, as set forth in Section 97.055(D)(6), being fifty "facility" (as defined by Section 97.055(B)(28) of this Code), subject in the right-of-way which does not include the construction of a applicable to any construction work, street openings or excavation (K), (M), (N), (P), (Q), (S), (U) and (V) of this Code shall be The provisions of Sections 97.055(B), (D), (E), (F), (G), (H), (I), (J), DEFINED BY SECTION 97.055 OF THIS CODE. OTHER THAN THE CONSTRUCTION OF A FACILITY AS "§97.056 CONSTRUCTION ACTIVITY IN THE RIGHT-OF-WAY

as follows:

amended by adding new Section 97.056 thereto, which shall read in its entirety

**SECTION 7:** That Title 9, Chapter 97 of the Lombard Village Code is

Director of Public Works to do so." but in no event later than ten (10) days from a notice from the permanent restoration to take place as soon as weather permits, the pavement shall be temporarily surfaced with asphalt with the When winter weather conditions delay such permanent restoration, unless winter weather conditions delay such permanent restoration, opening or by the permit expiration date, whichever occurs first,



First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008,

pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

William J. Mueller  
Village President

ATTEST:

Brigitte O'Brien  
Village Clerk

Published by me in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Brigitte O'Brien  
Village Clerk



**Schedule of Administrative Fees and Charges**

**EXHIBIT A**

### Schedule of Administrative Fees and Charges

5/28/2008

Permit Fee: \$50.00

**Renewal of Permit:**

Utilizing existing, approved plans: \$25.00

Utilizing revised or new plans: \$50.00

**Security Fund:**

Determined based on extent of disturbed area and risk to facilities in the area

**Inspection Costs:**

Inspector (includes vehicle): \$40.00 per hour

Minimum charge is 1 hour per trip.

Material testing and inspection (typically

performed by a consultant to the Village): \$250 administrative Fee + Costs incurred

Cost includes labor, materials and equipment to perform the work

Work performed by the Village (may be

performed by a contractor under contract

with the Village):

Initial Incident: \$500 Administrative Fee + Costs incurred

Cost includes labor, materials and equipment to perform the work

Repeat Call Out : \$1000 Administrative Fee + Costs incurred

Cost includes labor, materials and equipment to perform the work